

ESTTA Tracking number: **ESTTA543222**

Filing date: **06/14/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210046
Party	Plaintiff Leblon Holdings LLC
Correspondence Address	LORA A MOFFATT SALANS LLP ROCKEFELLER CENTER, 620 FIFTH AVENUE NEW YORK, NY 10020 UNITED STATES lmoffatt@salans.com,thicks@salans.com,Trademarks@salans.com
Submission	Answer to Counterclaim
Filer's Name	Lora A. Moffatt
Filer's e-mail	lora.moffatt@dentons.com,tanya.hicks@dentons.com,alison.carlson@dentons.com,Trademarks@salans.com
Signature	/lora a moffatt/
Date	06/14/2013
Attachments	LEBLVDREPLYCOUNTER.pdf(359360 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

**In the matter of trademark application Serial No. 85776139  
For the mark LEBLVD  
Published in the Official Gazette on February 26, 2013**

-----  
**LEBLON HOLDINGS LLC,** :  
  
          **Opposer,** :  
  
v. :                   **Opposition No. 91210046**  
  
**LIQUID EVOLUTIONS LLC,** :  
  
          **Applicant.** :  
-----

**REPLY TO COUNTERCLAIMS**

**LEBLON HOLDINGS LLC**, a Delaware limited liability company with a place of business located at 41 West 25<sup>th</sup> Street, Fifth Floor, New York, New York 10010 (“Opposer”), by its undersigned counsel, hereby answers Liquid Evolutions LLC’s (“Applicant”) counterclaims for cancellation as follows:

1. Admitted.
2. Opposer admits that there is a neighborhood located in Rio de Janeiro

called Leblon, but otherwise lacks information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 2 and, therefore denies the same.

3. Denied.
4. Admitted.
5. Denied.
6. Denied.
7. Denied.

8. Admitted.
9. Denied.
10. Denied.
11. Denied.
12. Denied.
13. Admitted.
14. Denied.
15. Denied.
16. Admitted.
17. Denied.

#### **AFFIRMATIVE DEFENSES**

##### **First Affirmative Defense**

Applicant's counterclaims with respect to Opposer's Federal Registration No. 3,119,488 fail to state a claim upon which relief can be granted because the mark has become incontestable under 15 U.S.C. § 1065.

##### **Second Affirmative Defense**

Applicant's counterclaims as to the LEBLON Marks are barred by laches, because Applicant has been aware of Opposer's LEBLON Marks since as early as 2006 and 2010, respectively.

### **Third Affirmative Defense**

Applicant's counterclaims as to the LEBLON Marks are barred by the equitable doctrine of unclean hands because Applicant filed its mark, upon information and belief, with the intention of trading on the goodwill of Opposer's LEBLON Marks.

Opposer reserves the right to amend this answer to Applicant's counterclaims to assert any additional affirmative defenses that may become apparent and available.

**WHEREFORE**, Opposer respectfully requests that Applicant's counterclaims for cancellation be dismissed with prejudice.

Dated: New York, New York  
June 14, 2013

SALANS FMC SNR DENTON Europe LLP

By:           /lora a Moffatt/          

Lora A. Moffatt, Esq.  
Alison G. Carlson, Esq.  
Tanya D. Hicks, Esq.  
Rockefeller Center  
620 Fifth Avenue  
New York, NY 10020  
Phone: (212) 632-5500  
Fax: (212) 632-5555

Attorneys for Opposer  
LEBLON HOLDINGS LLC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----  
LEBLON HOLDINGS LLC, :  
  
Opposer, :  
  
v. : **Opposition No. 91210046**  
  
LIQUID EVOLUTIONS LLC, :  
  
Applicant. :  
-----

**CERTIFICATE OF SERVICE BY FIRST-CLASS MAIL**

I hereby certify that a true and correct copy of the foregoing REPLY TO COUNTERCLAIMS in the above matter, is being deposited with the United States Postal Service as First-Class mail, postage paid, in an envelope addressed to Brad M. Behar, Brad M. Behar & Associates PLLC, 94 2<sup>nd</sup> St., Mineola NY 11501-3008, on this 14<sup>th</sup> day of June 2013.

  
Margaret Ajitsingh